

**LONDON BOROUGH OF TOWER HAMLETS**

**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE**

**HELD AT 5.30 P.M. ON TUESDAY, 30 JUNE 2015**

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Khales Uddin Ahmed (Member)

Councillor Rajib Ahmed (Member)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no apologies for absence.

**2. RULES OF PROCEDURE**

There were no declarations of disclosable pecuniary interest.

**3. ITEMS FOR CONSIDERATION**

**3.1 Application to Review the Premises Licence for Best Kebab, 275  
Commercial Road, London E1 2PS**

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits. The Sub Committee had carefully listened to all interested parties. After careful consideration Members did not accept that the Licensee had misunderstood or misread the License conditions. The Chair of the sub-committee advised that the Members were concerned by the matters raised by the Police and Trading Standards and the possibility that the matters could lead to crime and disorder. Members did however note the Licensee's efforts in alleviating the concerns of the responsible authorities by offering to remove the sale of

alcohol as a licensable activity and any resulting conditions relating to the sale of alcohol and also the imposition of an additional condition regarding the purchasing of tobacco or alcohol products.

In reaching their decision Members noted the advice given by the Police regarding opening hours which was to reduce late night opening by two hours a night Monday to Saturday and by one hour on a Sunday but felt that in light of the removal of alcohol this recommendation would not be followed.

The Chair advised that the Sub Committee had decided to accept the conditions as offered by the Licensee and to also grant the review application in part by reducing the opening hours by one hour per night in order to address the concerns raised in relation to the licensing objective of “the prevention of crime and disorder”.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a Review of the Premises Licence for, Best Kebab, 275 Commercial Road, London E1 2PS be **GRANTED in part**, with conditions.

### Removal of the sale by retail of alcohol as a licensable activity

#### Amendments to Conditions on Annex 2

Removal of conditions 1 -4

### The Provision for Late Night Refreshments

Sunday to Thursday until 01:00 hours

Friday and Saturday until 02:00 hours

### Hours premises are open to the public:

Sunday to Thursday 12:00 hours to 01:00 hours

Friday and Saturday 12:00 hours to 02:00 hours

### Additional Conditions at Annex 3

The premises license holder shall ensure that no alcohol or tobacco products will be purchased from sellers calling to the shop; and

The premises licence holder shall ensure that all receipts for goods bought include the following details:

- a) The seller's name and address;
- b) The seller's company details, if applicable;
- c) The seller's VAY details, if applicable

And copies of these documents should be made available to officers from responsible authorities upon reasonable request.

### **3.2 Application for a New Premises Licence for Tomorrow Bar & Restaurant, 132 Bethnal Green Road, London, E2 6DG**

#### The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and the Brick Lane Cumulative Impact Policy.

#### Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both the Applicant's Representative and submissions from the Police and Trading Standards. Members did not think it was appropriate to grant the application as Members felt that it would undermine the Licensing Objectives of crime and disorder and prevention of public nuisance.

In making the decision Members noted that the premises were within the area of the Special Cumulative Impact Zone. It was noted that a Cumulative Impact Policy was adopted by the London Borough of Tower Hamlets on 18 September 2013. The policy provides that where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. The effect of this special Cumulative Impact Policy is to create a rebuttable presumption. The applicant can rebut the presumption to refuse if they can demonstrate that their application for a new licence premises would not undermine one of the four licensing objectives. The applicant is expected to show this through the operating schedule and with supporting evidence (if appropriate) that the operation of the premises will not add to the cumulative impact already being experienced.

The Committee recognises that the cumulative impact of the number, type and density of licensed premises in a given area may lead to serious problems of nuisance and disorder. However, the policy does not act as an absolute prohibition on granting or varying new licences in the Cumulative Impact Zone. The Members considered that in this instance the applicant had not satisfactorily addressed the rebuttable presumption as Members had noted that the application was on the basis of an extension of hours, despite there being no existing license, that the applicant was unable to demonstrate

clearly whether the premises was to be a restaurant or a bar, there was not a sufficiently robust operating schedule to demonstrate the activities alleged and it was noted that despite stating that the premises was a restaurant there was not application for late night refreshment, despite the request for opening hours, alcohol and entertainment to 1am.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a new premises licence for, Tomorrow Bar & Restaurant, 132 Bethnal Green Road, London, E2 6DG be **REFUSED**.

#### **4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no other business considered urgent.

The meeting ended at 7.25 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee